

REMARKS / ARGUMENTS

In response to the office action dated September 11, 2007, claims 13-34 have been indicated as being cancelled rather than withdrawn. No other changes have been made to the claims or the remarks submitted in our June 19, 2007 response. The remarks set out in our June 19 response are repeated below for the examiner's assistance.

This letter is responsive to the Office Action mailed December 26, 2006.

The examiner has rejected claimed 13 through 34. These claims have been cancelled.

The examiner has rejected claims 46 through 57 and 59 through 67 under 35 USC 103 as being unpatentable over Atwell, U.S. '967 in view of Sasaki, U.S. '593 and Romanin, U.S. '410. Applicant asserts that the invention as defined in claim 46 and those claims dependent thereon clearly distinguishes over the art of record and respectfully disagrees with the examiner's application of that art.

As pointed out by the examiner, Atwell is a patent directed to a pressure hose. The pressure hose of Atwell comprises a nylon tube 2 to which various reinforcing layers are applied. Under Atwell there is a first reinforcing layer 3 with helix running in a first direction and a second layer 5 with helix running in the opposite hand direction. Each of the helixes have a number of starts. While it is true that Atwell deals with the art of reinforcement in a helical fashion as stated by the examiner, it is clear that Atwell deals with reinforcement of inner nylon tube.

Sasaki which has been thoroughly discussed in earlier prosecution of this application is directed to a non-woven fabric. There is nothing within Sasaki that indicates any specific use of the fabric which is pertinent to the present invention.

The examiner has cited Romanin and indicated that Romanin teaches a method for making a non-woven twill web. However, it is respectfully submitted there is nothing in Romanin which deals with any use of a Romanin type twill web which is pertinent to the present invention. Romanin only refers to such twill webs as being advantageous for

reinforcement for tires as reinforcement and support for artificial leather, plastic sheets and other pliable sheet compounds material such as upholstering covering and so on.

In paragraph 8(d) of the examiner's remarks, the examiner indicates that Atwell, Sasaki and Romanin are from the same field of endeavour, namely, reinforcement fabrics. Sasaki and Romanin certainly deal with reinforcement fabrics. However, Atwell does not deal generally with reinforcement fabrics, but rather, reinforcement fabrics when applied to a pre-existing tube such as the nylon tube referred to specifically in Atwell.

In paragraph 8(e) of the examiner's remarks, the examiner states the position that it would be obvious to modify the invention of Atwell with reinforcing textiles of Sasaki and Romanin with the motivation of creating a pressure hose... If that step were taken as outlined by the examiner, then the result is the nylon tube core of Atwell with a reinforcing layer of some combination of Sasaki and Romanin. Such a result is not within the scope of claim 46 and thus the combination of the art made by the examiner does not give or make obvious the structure claimed in claim 46.

Claim 46, is directed to a helically wound conduit. This in itself distinguishes over the conduit of Atwell. That helically wound conduit has a ribbon and as further defining the invention, the ribbon has a reinforcing net as specified in the claim. The net as defined in the claim is affixed to the substrate to comprise the ribbon. The helically wound conduit itself however, has another feature as recited in the claim, namely that the ribbon is wound with its longitudinal axis following a helix to form the helically wound conduit. There is nothing in the combination of Atwell, Sasaki and Romanin that meets this language or renders obvious that language. Accordingly, it is respectfully submitted that the art relied upon by the examiner not only does not suggest or motivate the structure claimed but specifically teaches away from the structure claimed as teaching use of a tubular conduit with helical reinforcing rather than a helically wound conduit.

In paragraph 8(b) of the examiner's remarks there is a statement that claims 50, 51, 62 and 63 are anticipated. All of claims 50, 51, 62 and 63 are dependent directly or indirectly on claim 46 and thus could not possibly be anticipated. It is noted that the examiner did not reject claim 46 on the basis of 35 USC 102. It is believed that the

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Amdt. dated October 2, 2007

Reply to Office action of September 11, 2007 and December 26, 2006

above remarks as to the patentability of claim 46 equally apply to claims 50, 51, 62 and 63.

With respect to claim 58, the examiner has dealt with this in paragraph 9 of the remarks. The examiner summarizes Waters as teaching a flexible duct having a reinforcing scrim and a wire resilient helix. The examiner has also said that Waters and Atwell are from the same field of endeavor, that is fabric reinforced articles. Again it is noted that if one were to modify the reinforcing fabric of Atwell with the reinforcing wire of Waters, one does not get a helically wound conduit as claimed in claim 46, upon which claim 58 is dependent.

In light of all of the foregoing, it is respectfully submitted that claim 46 and all claims dependent thereon patentably distinguish over the art as applied by the examiner.

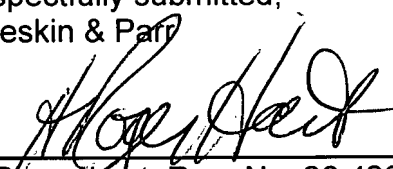
It is considered that this is fully responsive to the examiner's office action and presents the claims in allowable form.

In the enclosed Petition for Extension of Time, we have paid the necessary fees for an extension of time of three months to respond to the examiner's action.

In view of the number of total claims cancelled and the additional claims added and in view of the number of independent claims cancelled and added, it is believed that no additional fees are required either for independent claims or in respect of the total number of claims. If additional fees are required, please charge the fees to our Deposit Account No. 02-2095.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
Bereskin & Parr

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HRH/jb